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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,437	02/20/2004	Joseph J. Kubler	14364US19	6381
23446 7590 03/30/2010 MCANDREWS HELD & MALLOY, LTD 500 WEST MADISON STREET SUITE 3400 CHICAGO, IL 60661			EXAMINER VU, HOANG-CHUONG Q	
			ART UNIT 2476	PAPER NUMBER
			MAIL DATE 03/30/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/783,437

Applicant(s)

KUBLER ET AL.

Examiner

HOANG-CHUONG Q. VU

Art Unit

2476

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 22-40, 42-69.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Ayaz R. Sheikh/
Supervisory Patent Examiner, Art Unit 2476

Continuation of 7: Amendments made to claims 22, 47, and 60 to correct minor grammatical error will be entered.

Continuation of 11:

Applicant's remarks/arguments with regards to independent claims 22, 47, and 60 have been fully considered but they are not persuasive.

On pages 15-16 of the Applicant's remarks regarding claims 22, 47, and 60, Applicant submits that Baum relates to transmission of data, not voice over voice band circuits of a telephone company network to a network access server. Applicant also submits that Baum does not teach, suggest or disclose at least "communication system controller comprising: ... wherein the parameters for configuring the information transmission device comprise information related to the conversion of digitized voice information into an analog voice signal, and of an analog voice signal into digitized voice information" of Applicant's claim 22 and that Baum fails to even mention "configuration parameters" let alone conversion between digital and analog of any sort. The Examiner respectfully disagrees because Baum discloses in col. 19 lines 29-31 that signaling is for a traditional type of call signaling for an analog voice service; thus Baum relates to not only data but analog voice service as well. Baum also suggests that the parameters for configuring the modem are produced from the control signals (col. 30 lines 47-50). The control signals are converted (digital data into analog telephone signals/signals into digital telephone signals (col. 21 lines 59-62)). Thus the parameters include information from the control signals which are related to the conversion between analog telephone signals and digital data. Therefore Baum discloses parameters for configuring the information transmission device comprise information related to the conversion of digitized voice information into an analog voice signal, and of an analog voice signal into digitized voice information.

Further, on page 17 of the Applicant's remarks, Applicant submits that the cited portions of Baum do not suggest the configuration of the modem inside network server to support conversion between digital and analog. Applicant states that the office has not provided any explanation of how and why configuration of a modem in the network access server, which is separate from and remotely connected to the telephone network 50 by a digital T1 span 51, provides support for any kind for the digital to analog and analog to digital conversion performed by the network 50. The Examiner respectfully disagrees because the claimed language does not require that the configuration of the transmission device to support conversion between digital and analog signals but rather the parameters for configuration the communication device comprises information related to the conversion between analog and digital signals. In addition, the Examiner has provided support that Baum suggests the claimed limitation. Examiner has pointed out that protocol parameters for configuration of the modem are produced by converting the control signals (see col. 30 lines 47-50); where the control signals is extracted from the an incoming call; the call setup and the modem configuration are performed using the extracted control signals (see col. 3 lines 1-12). In addition, the control signals are converted (digital data into analog telephone signals/signals into digital telephone signals (col. 21 lines 59-62)). Thus the parameter includes information that is related to the conversion of digital data into analog telephone signals/signals into digital telephone signals.

Additionally, on pages 18-20 of the Applicant's remarks, Applicant disagrees that the modem inside network server performs digital to analog / analog to digital conversion and that Baum teaches configuration of the modem inside network server to support such conversion. Applicant submits that Office has not identified any portion of Baum that sets forth such a teaching. Applicant also disagrees to the extent that if the office may be asserting that the conversion is inherent. Applicant concludes that it is not true that a modem must necessarily perform digital to analog and analog to digital conversion. In addition, Applicant also submits that Baum does not disclose as supporting either analog voice signals or digital voice information and that "analog voice channel" and "analog voice service" in Baum do not inherently mean that the signals being carried are in fact voice signals. Thus for the reasons set forth, Baum does not teach, suggest, or disclose "communication system controller comprising: ... wherein the parameters for configuring the information transmission device comprise information related to the conversion of digitized voice information into an analog voice signal, and of an analog voice signal into digitized voice information". In response to Applicant's arguments, the Examiner respectfully disagrees because as addressed above, the claim does not require such the modem inside network server to perform any conversion, but rather the modem taught by Baum to be configured with information related to the conversion between analog and digital signals (see comments above). In addition, the Examiner has not asserted that such teaching is inherent. Baum suggests that modem receives control signals and converts the control signals into parameters for configuration of the modem (see col. 30 lines 47-50) and that the control signals are related to conversions (digital data into analog telephone signals/signals into digital telephone signals (col. 21 lines 59-62)). Further, Baum discloses as supporting analog voice signals because call signaling is for an analog voice service (col. 19 lines 29-31) (the claimed "the analog voice signals" does not necessarily relates to a voice conversation). Therefore for the reasons above, Baum suggests wherein the parameters for configuring the information transmission device comprise information related to the conversion of digitized voice information into an analog voice signal, and of an analog voice signal into digitized voice information. On page 21 of the Applicant's remarks, Applicant reiterates that Baum does not teach that the modems communicate digitized voice information. The Examiner respectfully disagrees because as addressed above, the claim does not require such the modem inside network server to communicate digitized voice information, but rather the modem taught by Baum to be configured with information related to the conversion between analog and digital signals and such teaching is cited above.

On page 22 of the Applicant's remarks regarding claim 67, Applicant argues that Baum fails to teach, suggest or disclose prompting a user as claimed. Instead Baum teaches that computer provides call set-up information which is different than prompting a user for the routing information. The Examiner respectfully disagrees since Baum discloses the computer to provide call set-up information (control signal). The computer user may input this control signal directly (col. 2 lines 54-55). The call original may be prompted to notify what to do with the control signals (col. 26 lines 63-64). Thus Baum discloses prompting the user for call set-up information (routing information).

On pages 23-24 regarding dependent claims, Applicant submits the combination of references does not overcome the deficiencies of Baum, thus they are allowable over the cited art. The Examiner respectfully disagrees for the reasons set forth above. Thus the rejections of these claims have been maintained.